

Michigan



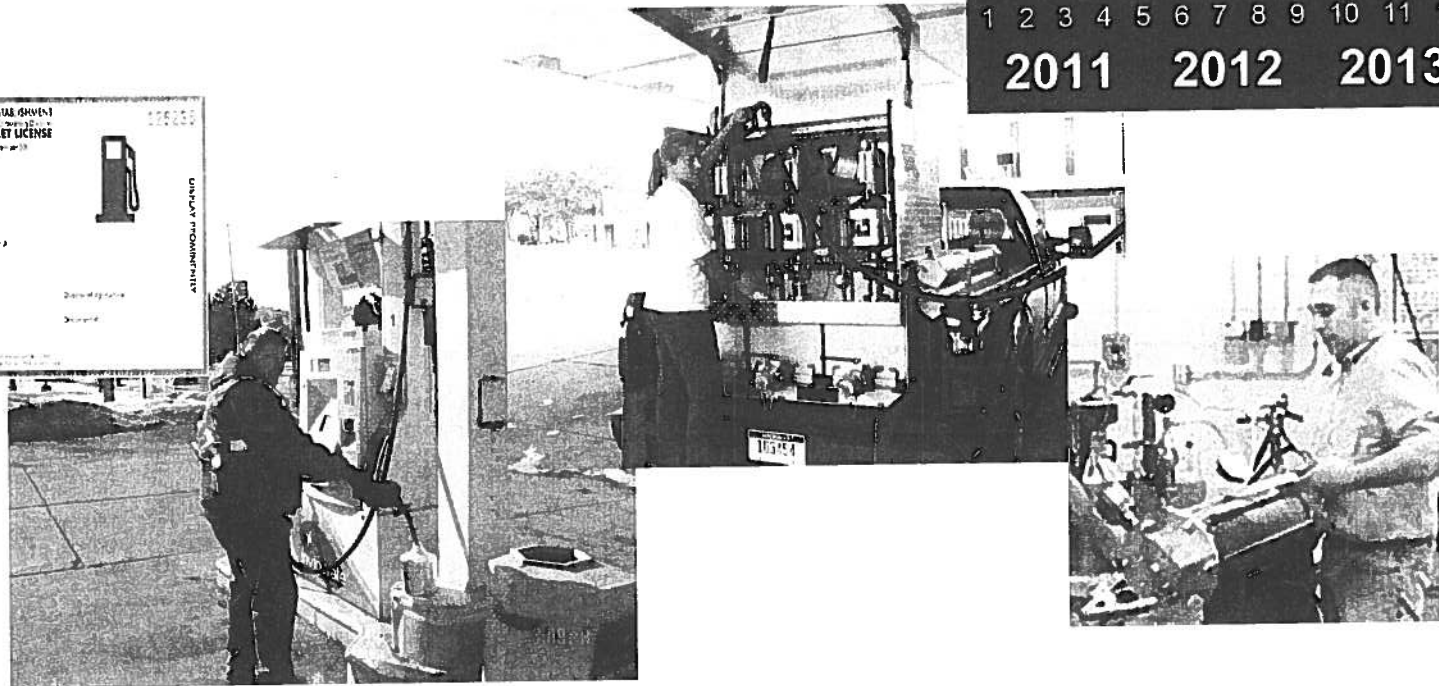
**Department of
AGRICULTURE
& Rural Development**

Consumer Protection Section FY 12 Program Updates

Craig VanBuren, Section Director

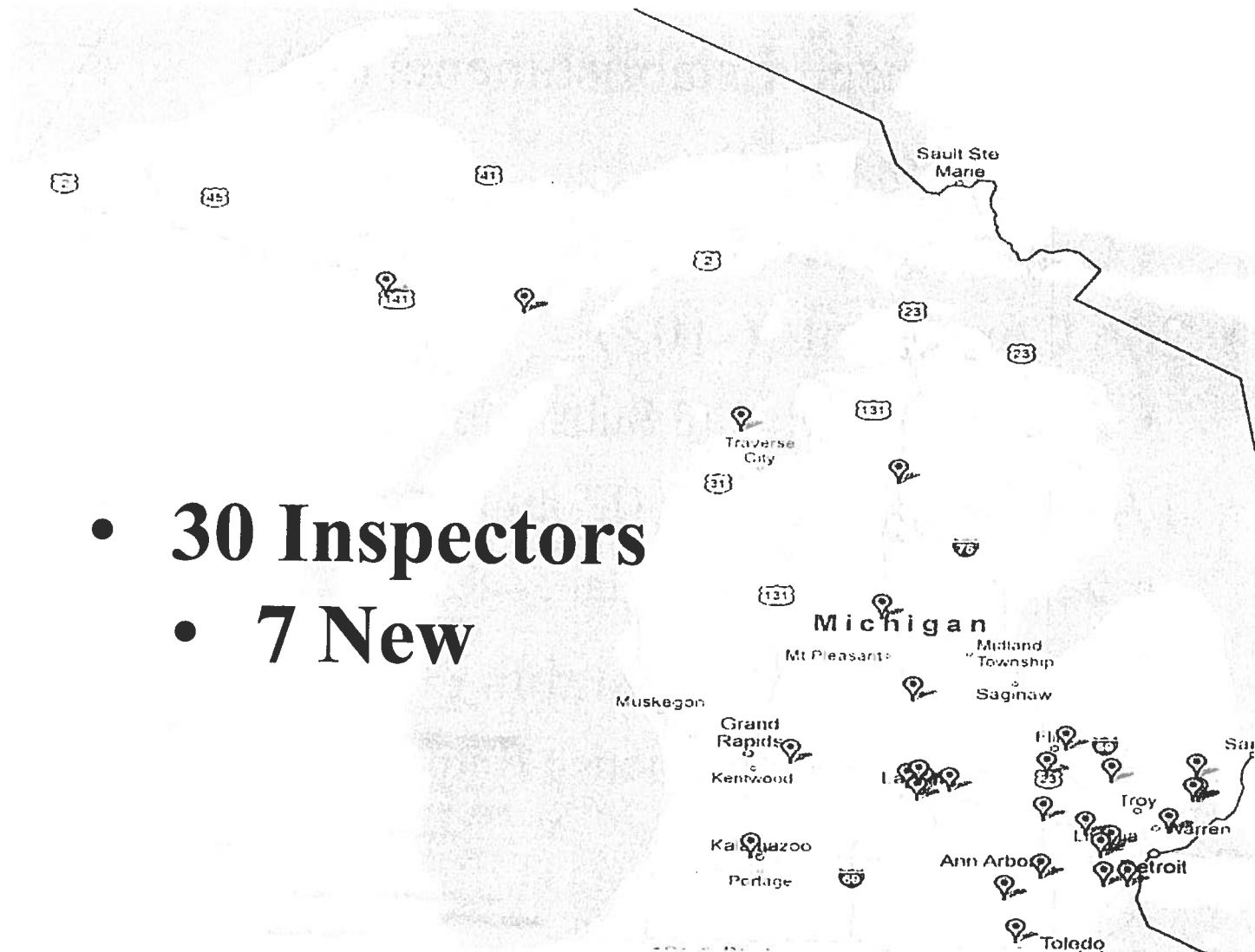
Major Program Areas

- Motor Fuels Quality
- Weights and Measures
- Metrology Laboratory



Inspector Locations

- **30 Inspectors**
- **7 New**



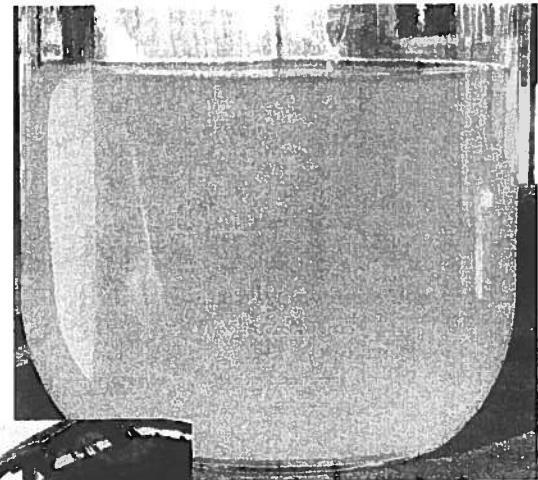
Motor Fuels Quality

- 4,756 Licensed Establishments (-28)
- 15 Inspectors (+2)
 - Conduct inspection on both Quality and Quantity
- 266 Complaints (-102)
 - 2.8% (8) Complaint Substantiation Rate (-11%; -43)
- 1,992 Samples at 1,502 stations (-312; -115)
 - 94.3% Sample Compliance Rate (+0.8%)
- 760 Vapor Pressure Audits (+70)
 - 98.9% Audit Compliance Rate (+1.9%)

Compliance Actions

Motor Fuels Quality

- 49 “Stop Sales” Issued (-51)
- 1,164 Warning Letters (+402)
- 3 Compliance Meetings (-64)
- 131 Administrative Fines (-50)
 - \$63,395 (-\$33,405)



Weights and Measures

- 15 Field Staff (+5)
 - 12 Weights and Measures Inspectors
 - Ability to check all weighing and measuring devices
 - 3 Field Metrologists
 - Package Checking, RSA Audits, Act 15 Investigations

Weights and Measures

- 1,446 Short Weight/Measure Complaints (-466)
 - 1,372 Fuel Measure Complaints (-398)
 - 7.3% (82) Complaint Substantiation Rate (-0.07%; -34)
- 74 “Other” Weight and Measures Complaints (-68)
 - Scales, packages, other meters

Weights and Measures

- Inspections (both complaint and random)
 - 45,592 Fuel Device Tests (+607)
 - 96.8% Compliance Rate, 0.6% Non-Compliant for Negative Meters (-0.4%; -0.1%)
 - 2,211 “Other” Devices (+151)
 - 96.8% Compliance Rate (+5.6%)
 - 95.6% Compliance Rate for Vehicle Scales (+21.4%)
 - 86.2% Compliance Rate for Large Platform Scales (+2.3%)
 - 116 tested in FY12, 31 tested in FY11
 - 11,606 Packages Tested (+1,307)
 - 59.1% Compliance Rate (-7.3%)

Weights and Measures

- Other W&M work
 - 130 Complaints on P.A. 15 of 2011 (+18)
 - Registered Service Program
 - 134 Registered Service Agencies
 - 505 Registered Service Persons
 - Monitoring, Testing, Auditing
 - Review of “Placed in Service Reports”
 - Follow-up Field Inspections

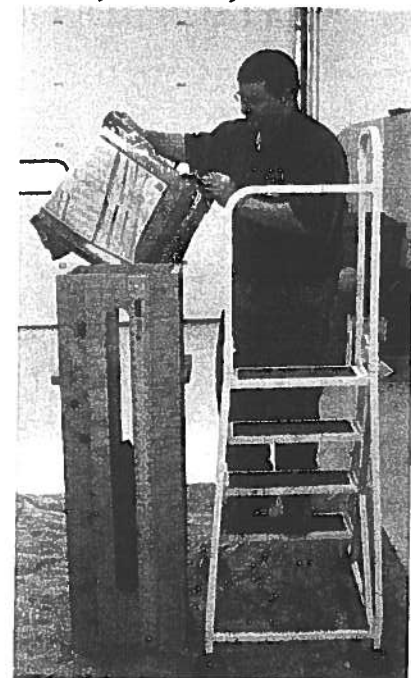
Compliance Actions

Weights and Measures

- 94 Detainments
 - ~166,000 lbs
 - Value of \$272,738
- 54 Warning Letters
- 49 Administrative Fines
 - \$275,700 (+\$125,728)

Compliance Action

- Recent Cases
 - IDQ Holdings (Refrigerant), Garland, TX, \$160,000
 - Bonsal (Paver Sand), Charlotte, NC \$21,000
 - Profile Products (Mulch), Conover, NC, \$14,500



- Device Reinspections
 - \$137,000 in reinspection fees

Compliance Action Breakdown

Weights and Measures

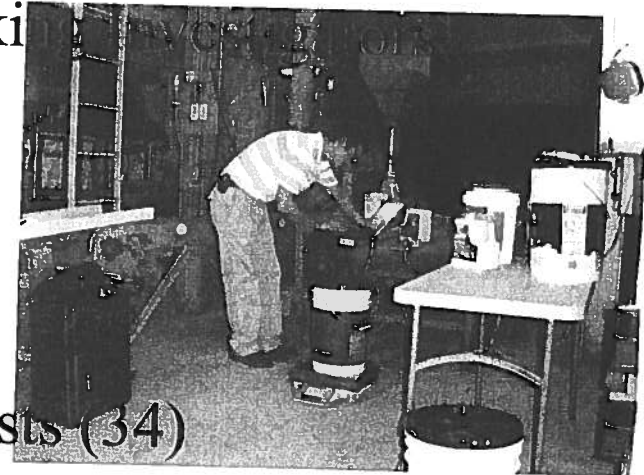
- Fuel Quantity FY12
 - 11 Warning Letters
 - \$18,950 Fines and Restitution (9)
- Fuel Quantity FY11
 - 10 Warning Letters
 - \$19,450 Fines and Restitution (16)

Compliance Action Breakdown

Weights and Measures

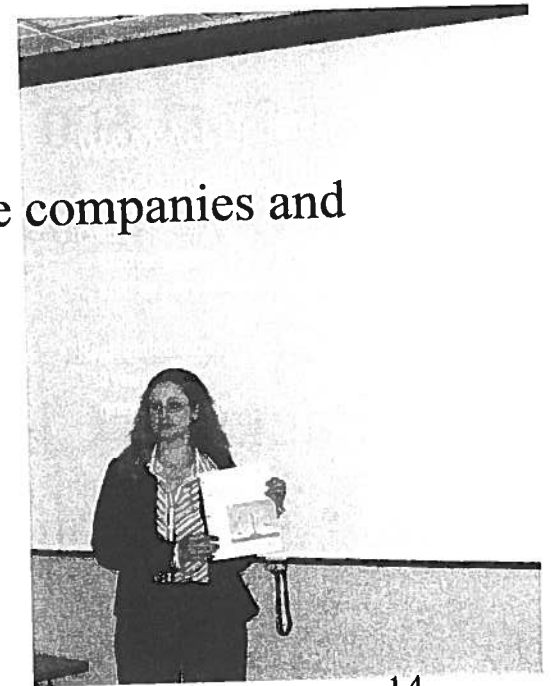
- Package Checking FY12
 - 14 Warning Letters
 - \$242,600 Fines, Restitution and Costs (9)
 - (3) FTE Equivalent Package Checking

- Package Checking FY11
 - 45 Warning Letters
 - \$130,522 Fines, Restitution and Costs (34)
 - (2) FTE Equivalent Package Checking Investigators



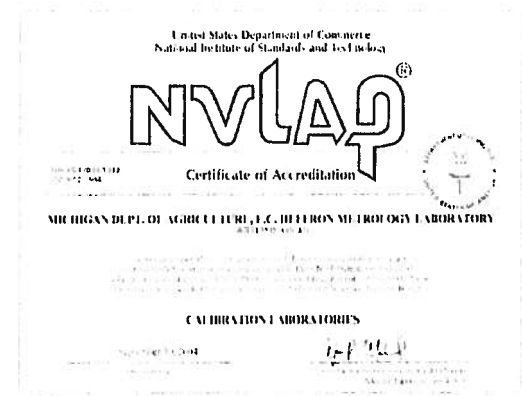
Compliance Assistance

- The Consumer Protection Section attends and participates in the yearly trade shows for ;
 - Associated Food and Petroleum Dealers (AFPD)
 - Michigan Petroleum Association/Michigan Association of Convenience Stores (MPA/MACS)
 - Michigan Green Industry Association (MGIA).
- Conducted a two-day seminar for all registered service companies and any interested party to cover the following;
 - Changes to PA 283
 - Common problems found in the marketplace
 - Ensuring proper testing of weighing and measuring devices



Metrology Laboratory

- ISO/IEC 17025 Accreditation
 - National Voluntary Laboratory Accreditation Program (NVLAP)
 - National Institute of Standards and Technology (NIST) Recognized
- Industry and State Support
 - 6,437 Standards Certified (-2,000)
 - Michigan State Police, County Road Commissions
 - Over 350 Active Customers
 - \$218,442 Testing Fees (-\$40,000)



Future Goals

- Utilize 15 MFQ inspectors as efficiently as possible
 - Conduct both MFQ and W&M fuel complaint investigations
 - Set schedule of fuel samples to obtain
 - Work off aging list for fuel stations
- Utilize 12 W&M inspectors in the following manner;
 - (5) will mostly conduct W&M inspections at fuel stations, focusing on those from the aging list
 - (5) will focus on weighing devices
 - (2) will float between weighing and measuring devices and “odd” situations

Future Goals

- Utilize the 3 Field Metrologists in the following manner;
 - (1) Package checking
 - (1) 75% package checking, 25% assist in laboratory
 - (1) 50% package checking, 50% registration program
- All positions in both programs will be flexible and we will move them around as we see fit to mitigate trending risks
 - The main goal of the program will be to keep compliance rates above 97% for all devices
 - Secondary goal is to find packages that are shorting Michigan consumers

Future Goals

- As a Section we would like to;
 - Increase the visibility of the programs with a communications plan – Articles, videos, newsletters, etc.
 - Provide more education to both consumers and retailers – Demos, classes
 - Meet more frequently with trade association groups to discuss their members' concerns and issues